



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.13201 of 2016

P.Sivakumar

... Petitioner

Vs

The Tahsildar,
Taluk Office,
Theni

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to conduct survey and measurement of the petitioner's house site measuring 353.1/8 sq.t., comprised in S.No.36/2A situated in Veerapandi Village, Palanichettipatti, Periyakulam Taluk, Theni district, as per the registered sale deed dated 05.10.1978 vide Doc.No.2652/1978 on the file of Sub Registrar, Theni, within a reasonable time.

For Petitioner

: Mr.K.Appadurai

For Respondent

: Mr.J.Gunaseelan Muthiah
Govt.Advocate

ORDER

Heard both sides.

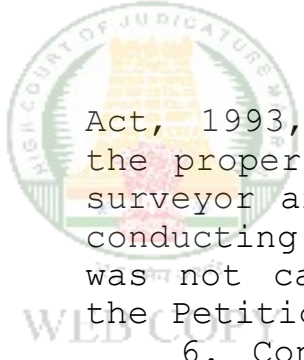
2. By consent, the main Writ Petition itself is taken up for final hearing.

3. No counter is filed on behalf of the Respondent.

4. According to the Petitioner, he had applied before the Respondent / Tahsildar, Theni, for conduct of survey and measuring the property, bearing Survey No.36/2A, situated in Veerapandi Village, Palanichettipatti, Periyakulam Taluk, Theni district, on 01.06.2016 and paid necessary charges into the Treasury in this regard. In fact, the Petitioner had approached the Respondent / Tahsildar, Theni. But there is no positive action on the side of the respondent till date. Hence, the Petitioner has filed the present Writ Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The Learned Counsel for the Petitioner emphatically contends that, as per Section 5(3) of Tamil Nadu Patta Pass Book



Act, 1993, the Revenue Authorities concerned is bound to survey the property on transfer of property and sale transaction through surveyor and issue patta for the said property, of course, after conducting due inspection. In the instant case, the inspection was not carried out by the concerned Authorities and therefore, the Petitioner has filed the present Writ Petition.

6. Considering the fact that the Petitioner's Application / representation, dated 01.06.2016, addressed to Respondent / Tahsildar, Theni, is pending as on date without any progress or disposal, at this stage, this Court simpliciter directs the Tahsildar, Theni, to look into the representation of the Petitioner, dated 01.06.2016, within a period of one week from the date of receipt of a copy of this order. Thereafter, the Respondent / Tahsildar, Theni, is to pass necessary reasoned speaking order, on merits, in a fair, free, and dispassionate manner (of course after providing necessary opportunity to the Petitioner and others concerned, by adhering to the principles of natural justice) within a period of four weeks thereafter.

7. In case, the Respondent/ Tahsildar, Theni, is in need of any relevant documents / records from the Petitioner, then, it is incumbent on the part of the Petitioner to furnish the same before the Respondent/ Tahsildar, Theni, so as to enable him to do the needful in the subject matter in issue.

8. The Petitioner is also directed to lend his assistance and co-operation to the Respondent / Tahsildar, Theni, so as to enable him to dispose of his representation, dated 01.06.2016, within the time determined by this Court, as stated supra.

9. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Taluk Office,
Theni

+1 cc to the Special Government Pleader, Madurai Bench of Madras High Court, Madurai Sr.No.40071

+1 cc to MR.K.APPADURAI, Advocate Sr.No.39905

mpk